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Date: 9 July 2012
Subject: UNESCO-Equatorial Guinea International Prize
for Research in the Life Sciences

Madame Director-General,

I have the honour to write to you on behalf of Group I delegations to express our profound disappointment following your decision to award the UNESCO-Equatorial Guinea International Prize for Research in the Life Sciences in July 2012. This decision came in spite of the opinion received from the Legal Office stating that it "could not advise the Director-General to use the funds currently in UNESCO accounts for the implementation of the prize".

Notwithstanding the decision of the Executive Board we want to reiterate our conviction that the prize is detrimental to the reputation of UNESCO. Much of the international press, many NGOs, governments and eminent persons such as distinguished scientists and Nobel Laureates will regard the prize as a serious blot on the honor of the Organization.

Group I members have supported your rigorous and consistent efforts to defend the reputation of the Organization. We have also argued repeatedly that implementing the prize without receiving the assurances that all legal conditions have been met, in particular with regard to the source of the funds, could result in serious prejudice for UNESCO.

We were informed that you would seek further legal advice, but we have not received information about the outcome of your search. We would have expected that the necessary amendments to the statutes of the prize would have been presented to the Executive Board at its 190th session.

Under these circumstances, we feel it is our duty to convey to you our disappointment and disapproval regarding your decision, in spite of the opinions received, to proceed with the awarding of the prize.

Yours sincerely,

Robert Zeldenrust
Ambassador, Permanent Delegate
of the Kingdom of the Netherlands
to UNESCO



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联合国教育、
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The Director-General

H.E. Mr Robert Zeldenrust
Ambassador
Permanent Delegate of the Kingdom of
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7, rue Eblé
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12 JUL 2012

Ref: DG/12/4974

Dear Ambassador,

Thank you for your letter of 9 July last, regarding the "UNESCO Equatorial-Guinea International Prize for Research in the Life Sciences". In it, you state that the Group I Delegations express "profound disappointment following [my] decision to award the [prize] in July 2012", notwithstanding the opinion by the Legal Counsel that she "could not advise the Director-General to use the funds currently in UNESCO accounts for the implementation of the Prize".

As you know, the decision to establish this Prize was taken by the Executive Board in its 180 EX/ Decision 57, adopted on 29 September 2008. You will recall also that during an Information Meeting that was held in July 2010, I expressed my concerns about the effects that this Prize could have on the reputation and image of the Organization, stating that I would bring the matter before Member States during the Executive Board's next (185th) session. In its decision 47, adopted on that occasion, the Board acknowledged "that the foremost responsibility of the Members of the Executive Board is to preserve the integrity, values and high standing of the Organization", and it decided, therefore, "to suspend the implementation of 180/EX Decision 57 on the [Prize] and to continue the consultations among all parties concerned in a spirit of mutual respect until a consensus is reached".

Subsequently and given that a consensus had not yet been reached, the Board decided by its decision 48, adopted at its 187th session in October 2011, to establish a Working Group "to undertake further consultations, in close collaboration with the Director-General, with a view to reaching a conclusion on this subject [the Obiang Prize] by the 189th session of the Executive Board". Regrettably, the Working Group was neither able to reach a consensus, nor to make a recommendation concerning the Prize to the 189th session of the Board.

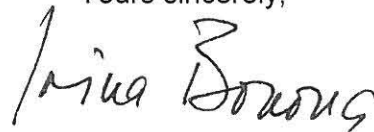
.../.

As you also know, subsequent developments, including receipt of communications from the Government of Equatorial Guinea, prompted the Chairperson of the Executive Board to seek the Legal Counsel's views, which were circulated to all Member States. When the matter again came up for consideration by the Board, at its 189th session (February 2012), the majority of Members voted for the adoption of 189/EX Decision 21, disregarding the Legal Counsel's advice. Moreover, the Board amended the Statutes of the Prize so as to change its name, and urged me to proceed with its award. Notwithstanding, I responded that I would seek further legal advice prior to implementing this last decision, which I did. The Legal Counsel informed me that although no new facts had come to light that would make her change the legal opinion provided to the Executive Board, in light of the Executive Board's decisions and in my capacity as Chief Administrative Officer of the Organization, I was Constitutionally obliged to implement the decisions of the Executive Board, as well as the resolutions of the General Conference, unless they contravened the Constitution. None of the decisions relative to the Prize contravene the Constitution.

I trust you will understand that unless a majority of the Members of the Executive Board informs me, in writing, that they plan to reverse the latest decisions regarding the Prize at the next session of the Board, I have no option but to implement the decisions of the Board in regard to the Prize. I regret very much that the Board could not reach a consensus on this matter, and that instead, it engaged in a contentious and divisive debate which led to a vote on this issue.

In ending, I wish to state, for the record, that had the Executive Board not taken the foregoing decision in February 2012, I would have continued to suspend the implementation of the Prize. Allow me to sum up by reminding you that the decisions to establish the Prize and to implement it are not mine, but those of the Executive Board.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irina Bokova', with a stylized, flowing script.

Irina Bokova



KINGDOM OF BELGIUM

Permanent Delegation
to UNESCO

Ms Alissandra Cummins
Chairperson the Executive Board of UNESCO

UNESCO
7 place de Fontenoy
75007 Paris

your letter from	your references	our references	date
19.06.2012	SCX/2012/77	231-	13.07.2012
attachment			
1			

Madame Chairperson,

I have the honour, as the Representative of Group I on the bureau of the Executive Board, to write to you on behalf of the Group to call your attention to serious questions concerning the legality of awarding the UNESCO-Equatorial Guinea International Prize for Research in the Life Sciences on 17.07.2012.

From the outset, Group I members wish to underline that they warmly welcome all initiatives to promote UNESCO's goals for research in the sciences and stand ready to lend their support whenever and wherever possible.

Notwithstanding the decision of the Executive Board, we want to reiterate our conviction that the implementation of this prize is detrimental to the reputation of UNESCO. Much of the international press, many NGOs, governmental and eminent persons, such as distinguished scientists and Nobel Laureates, will regard the awarding of the prize as a serious blot on the honour of the Organization.

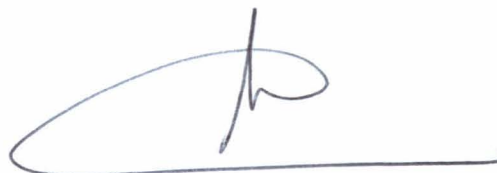
Many UNESCO Member States, including many who sit on the Executive Board, have supported the Director-General's vigorous efforts to defend the reputation of the Organization and have repeatedly argued that implementing the prize without receiving the assurances that statutory conditions have been met, in particular with regard to the source of the funds, could result in serious prejudice for UNESCO (see attachment).

The decision of the Executive Board urging the Director-General to implement the prize did not address these deficiencies. We would have expected that the necessary amendments to the statutes of the prize would be presented to the Executive Board at its 190th session in October 2012.

Given these questions and other continuing uncertainties, we believe UNESCO has a legal and fiduciary duty to take the time and necessary steps to ensure that the deficiencies outlined above are addressed appropriately before the prize is awarded so that there is no cloud of illegality hanging over the prize.

I would like to thank you for the time and attention you have given to this issue and would appreciate, on behalf of Group I, if this letter could be shared with all UNESCO Member State delegations.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, sweeping loop followed by a vertical line and a small flourish.

France Chainaye
Vice-Chair Group I
Permanent Delegate

Attachment to the letter to the Chairperson of the Executive Board

Main issues to be addressed concerning the statutes governing the implementation of the prize the prize (set forth in Annex 1 of 180 EX/57)

- 1.** Based on information provided by the donor, the source of funding of the prize is not the Obiang Nguema Mbasogo foundation, which is still listed as the source of the funding in the Prize Statutes (article 2.2); this is a serious discrepancy which reflects a material change that has not been addressed.
- 2.** The amendment procedure that the Executive Board set out for itself in the Prize Statutes has not been followed by the Board with respect to the changes in the source of funds; the Prize Statutes specifically require that "Any amendment to the present Statutes shall be submitted to the Executive Board for approval" (article 10).

At the 189th session of the Executive Board, a legal opinion from the UNESCO Legal Office, dated 2 March 2012 and circulated to Members States as 189 EX/INF.13, stipulated, among other things, that in light of the material discrepancy between the Prize Statutes and the explanations provided by the Government of Equatorial Guinea with respect to the source of the funding of the prize, "the Legal Office could not advise the Director-General to use the funds currently in the UNESCO accounts for the implementation of the prize." At the information meeting held on July 10, 2012, the Legal Advisor stated that this legal opinion had not changed.